WASHOE COUNTY
PLANNING COMMISSION
Meeting Minutes

Planning Commission Members
James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Francine Donshick
Philip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, October 4, 2016
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, October 4, 2016, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Barnes called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Francine Donshick
Philip Horan – Present through Audio Call
Greg Prough

Commissioners absent: None

For the record, Mr. Webb asked Commissioner Horan to state on the record that he is aware that the proceedings are being recorded that evening and that he consents to the recording. Commissioner Horan stated that he is aware that the meeting is being recorded and that he consents to it.

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
Dwayne Smith, Director, Engineering and Capital Projects
Kelly Mullin, Planner, Planning and Development
Roger Pelham, MPA, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development
Donna Fagan, Office Assistant III, Planning and Development

2. *Pledge of Allegiance

Commissioner Chvilicek led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Secretary Webb recited the appeal procedure for items heard before the Planning Commission. He stated that Items 9A, 9B, and 9C were public hearing items. Each one is appealable. Item 8A is a presentation, no action will be taken so it is not appealable.

5. *General Public Comment

Chair Barnes opened the Public Comment period. As there were no requests to speak, Chair Barnes closed public comment.

6. Possible Action to Approve Agenda

Chair Barnes informed the Commission that there may be a request to continue Items 9A and 9B. He would recommend taking 9A and 9B as a block vote and consider them after Item 7. The Planning Commission agreed to do so.

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the October 4, 2016 meeting as amended. Commissioner Prough seconded the motion, which passed unanimously with a vote of six for, none against.

7. Possible Action to Approve September 6, 2016 Draft Minutes

Commissioner Chesney moved to approve the minutes for the September 6, 2016, Planning Commission meeting as written. Commissioner Donshick seconded the motion, which passed unanimously with a vote of six for, none against.

9. Public Hearings

A. Tentative Subdivision Map Case Number TM16-002 (Sugarloaf Ranch Estates) – Hearing, discussion, and possible action to approve a Common Open Space tentative subdivision map to allow the creation of up to 119 lots for single-family residences. The lots are proposed to range in size from 8,050 square feet to 17,261 square feet with an average size of 10,317 square feet.

- Applicant/Property Owner: Sugarloaf Peak, LLC, Attn.: Jim House, 2777 Northtowne Lane, Reno, NV 89512
- Location: On the north side of Calle De La Plata, approximately 1/5 of a mile east of its intersection with Pyramid Highway
- Assessor's Parcel Number: 534-562-07
- Parcel Size: ± 39.84 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS: up to 3 single-family detached dwelling units per acre)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 408, Common Open Space Development, Article 608, Tentative Subdivision Maps
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 23, Township 21N, Range 20E, MDM, Washoe County, NV
- Prepared by: Roger Pelham, MPA, Senior Planner

	Washoe County Community Services Department Planning and Development Division
• Phone:	775.328.3622
• E-Mail:	rpelham@washoecounty.us

B. Tentative Subdivision Map Case Number TM15-001 (Blackstone Estates) – Hearing, discussion, and possible action to approve a 161-lot, single family detached, common open space subdivision on a ±58.49-acre parcel. Lots will range in size from 8,595 square feet (±.19 acres) to 19,271 square feet (±.44 acres) with lot sizes averaging approximately 11,140 square feet (±.25 acres).

• Applicant:	SP58, LLC
• Property Owner:	Jacie, LLC
• Location:	350 Calle de la Plata, on the north side of the road and approximately 650 feet east of its intersection with Pyramid Hwy
• Assessor's Parcel Number:	534-571-01
• Parcel Size:	±58.49 acres
• Master Plan Category:	Suburban Residential (SR)
• Regulatory Zone:	Medium Density Suburban (MDS)
• Area Plan:	Spanish Springs
• Citizen Advisory Board:	Spanish Springs
• Development Code:	Article 608, *Tentative Subdivision Maps* and Article 408, *Common Open Space Development*
• Commission District:	4 – Commissioner Hartung
• Section/Township/Range:	Section 23, T21N, R20E, MDM, Washoe County, NV
• Prepared by:	Kelly Mullin, Planner Washoe County Community Services Department Planning and Development Division
• Phone:	775.328.3608
• E-Mail:	kmullin@washoecounty.us

Chair Barnes asked Mr. Webb to provide a description of Items 9A and 9B. Mr. Webb stated for the public that the reason for taking the items as a block vote is that there is one spokesperson for both applicants. Mr. Webb provided a description of Items 9A and 9B.

Chair Barnes opened the public hearing. He let the public know that there will be a request for a continuance made on items 9A and 9B. If the cases are continued, staff will send out notices for a November meeting. The public is welcome to testify this evening but their testimony will have more impact if they testify at the November meeting, if the items are continued. Chair Barnes called on Mike Railey, the applicants' representative.

Mike Railey, with Rubicon Design Group, representative for Sugarloaf Ranch Estates and Blackstone Estates said they are requesting a continuance so they can further define and revise the condition related to intersection improvements at Calle de la Plata and Pyramid Highway. That is a key issue to both projects. It is a complex issue, they are dealing with Washoe County, RTC and NDOT. They would like to wait until they can have a defined condition in terms of what improvements are required and when they will be required. They want improvements, including putting a signal at that intersection, but they want to make sure they and the community have assurances and it is fully defined before they move forward. They are

confident that they can get that done for the next meeting.

Chair Barnes called for Commission questions of Mr. Railey. There were none.

Chair Barnes asked if any members of the public wished to testify on 9A, 9B, or both items. He asked that anyone wishing to speak state their name and address for the record and after speaking, fill out a comment card. Mr. Webb clarified that if they have filled out a comment card for Items 9A and 9B, this is different. This is providing testimony on the continuance, which is the item before the Planning Commission. If the Planning Commission decides not to continue the items, the Commission will take items 9A and 9B in sequence and those who have filled out comment cards for those items will be called in sequence.

DDA Edwards clarified that it is fine to try to shape the procedure based on the fact that there is a request for a continuance. Those are commonly granted. If there is anybody who wants to speak, they can talk about the request for the continuance, they can talk about the item itself if they want. For example, if they will not be able to make it to the November meeting. The Chair has covered that it may be more impactful or more valuable from a public hearing standpoint if the testimony occurs at the actual meeting where the decision is being made, but it is an option available to people who did come tonight to speak.

Richard (Dick) Kirkland, retired Reno Police Chief, Washoe County Sheriff, and Director of Public Safety for the State, agreed with the impactful statement by the Chair. Unfortunately he can't make it to the hearing in November. He asked if he could submit comments in writing at the time they are going to have the hearing. Chair Barnes answered "Yes". Mr. Kirkland said he would reserve his comments. He wanted to hear what they have to say before he spoke.

Melody Chutter said she will probably repeat her testimony if she can make it to the next meeting. She said people keep ignoring, or they don't want to listen, but there is a water issue. They try to take their wells. Lake Mead is receding. They have a lot of complaints about the water. The more people, the more water we need. Where are they planning on getting this water? The Truckee River? How much water will that provide? You can't keep ignoring what is inevitable. They know there is a fire issue out there. If there is a water shortage because we are not seeing the realization of what's going on, it's going to impact us all. Not just Spanish Springs, but everyone who comes here. She said we have to focus on this because we will have a problem. Too many people in a crowded area is going to cause a lot of other issues and problems as well. You can't get water out of a stone.

Dan Herman lives on Campo Rico which adjoins the Blackstone Estates property. Item 9A, he is ok with the continuance. He thinks it's the right thing to do, the developer needs something in writing – when are they going to get the light? They need assurances, the citizens out there need assurances. They both need to be protected. Mr. Herman referred to the request for construction hours in item 9A Blackstone Estates, Monday through Saturday 9-6, the developer has been good working with him. He would like to see the hours changed on Saturday to 9 to 4, 9 in the morning so he can sleep in one of the days of the weekend. No construction allowed on Sunday. He believes that is in the staff report. He said traffic is the main problem out there. He thinks the light will help. There's a lot of traffic out there, he lives on Pyramid Highway. He said Commissioner Prough lives out there and knows that trying to get on Pyramid Highway is bad. Mr. Herman has a letter from Mike Railey of Rubicon Design Group, they made commitments to him as a property owner near to the site property. They (Rubicon Design Group) will give a copy for the record to Kelly Mullin to put into the staff plan. He clarified that he was talking about 9B, Blackstone. 9A, Sugarloaf Peak, LLC, it was supposed to be one house per acre, it went to 3 houses per acre, now the average lot size is 10,317 feet, which is 4 houses per acre. The way the system is set up, there is a real hurt locker on the citizens. 3 houses, a third acre,

is what they hoped they were getting. Now they have 4, 4 plus, 4.5 houses per acre. No real open space, the developer took every land there was and put houses on it. He hopes something can be done about that.

Ken Theiss said his property backs up to Item 9A. This really bothers him. Dan is on one side and he is on another side. Mr. Theiss has not received one contact or one phone call, not anything from the developer asking about what he thinks and how they can work this out (about easements), not anything. He is not very happy.

Larry Thomas was going to reserve comment for November but following Mr. Theiss, he has also noticed that across the street on 9A that at previous meetings they had talked about some transition areas and 3 houses per acre. He doesn't know if they have crammed every house in every square foot they could probably get away with and there is no transition area. He feels that this has fallen on deaf ears. The County Commissioners thumb their nose at the Planning Commission and them (the public) by completely ignoring the Planning Commission decision in the past. He doesn't think they have a representative out there anyway. He will have a better prepared comment in November but wanted to give a statement.

Maria Voltl wanted to point out that her property is for sale next to the project. The minute "they" hear about this housing project, nobody is interested. She wants her neighbors to know that their property is worthless next to this housing development. It's been for sale for months, it's a beautiful house, the minute they hear about the development next door, they are not interested. They say they don't want ten acres next to a housing project. That is all she wanted to say and she doesn't think the Planning Commission cares.

Seeing no more public comment, Chair Barnes asked for questions from the Planning Commissioners. Seeing no questions, Chair Barnes closed the public hearing.

Commissioner Prough moved to continue Items 9A and 9B until November. Commissioner Donshick made a second on the motion.

Commissioner Horan disclosed that he received several emails on these agenda items. He did not respond to any of them. Chair Barnes said that he thought all the Commissioners received two emails. If there is going to be a continuance they don't have to go into those at this time.

The motion passed unanimously (6 in favor, none against). 9A and 9B will be continued to a meeting in November. DDA Edwards reinforced that Mr. Webb said that the items will be re-noticed for the November meeting.

8. A. Presentation on the inter-relationship between NDOT, RTC and the County for road and traffic signal improvements for proposed projects in the unincorporated County. – Dwayne Smith, Director of Engineering and Capital Projects and County Engineer

Bob Webb gave a brief introduction.

Mr. Smith said he has a brief discussion tonight and would be happy to come back at the next meeting to provide more detail. He said there are three agencies that have input regarding roadways and traffic signals within unincorporated Washoe County: NDOT, RTC, and Washoe County. Each agency has its different roles and responsibilities. NDOT designs, constructs, maintains all the interstate roadways. They have over 5,400 miles of roadways to maintain and over 1,000 bridges. RTC builds and maintains the regional road network; the arterials, major collectors, industrial roadways. They deliver safety and accessibility projects just like NDOT.

They also administer the Regional Road Impact Fee (RRIF) program. Washoe County picks up after there – 75 miles of highway, 64 miles of arterials, 59 miles of collectors, over 518 miles of residential roadways. Washoe County maintains those roadways, fills potholes, does the crack sealing, does the overlay programs. Each agency has different roles and different funding sources but all work together to plan and construct this roadway infrastructure that the area utilizes and the residents have come to expect. Each agency responds to new growth in a different way. They don't initiate new development, they respond to new development through a series of conditions. Each agency responds by providing conditions as appropriate under their codes, ordinances, policies. These conditioning processes are tools to address impacts of new development. They plan according. They also require development to be responsible for the impacts they have. Development pays for development. There are challenges when coordinating with partner agencies. They affirm to work together to make things better and develop clarity through coordination, planning efforts – Master Plans, Area Plans, Facility Plans. In response to the community's comments from the last Planning Commission meeting and some from tonight, it is clear that there is a difference with the conditions placed on developments and what the community's concerns and expectations are. Mr. Smith wants to let the Commissioners know that the policy requirements and warrants are conditions contained within the MUTCD, the "bible" on how they address traffic. ASHTO is another defining book. The rules and conditions have been developed for a long time by a lot of municipalities with a lot of input. They have responded to changing conditions. It does create the framework by which they do condition for tentative maps and new projects. Sometimes the rules don't address the existing conditions in the right way, so to help, Washoe County staff has been meeting with their agency partners – NDOT, RTC, and also having internal meetings to talk about budget and policy issues. They are doing this in response to what they are hearing from the community and the commissioners. It takes a little time to go back and revisit some of these pieces and work through details. As seen in the conditions for the projects continued to next month, the conditions are different. That is a reflection of what they are doing – listening to the community, and the process that they are going through. Mr. Smith hopes that the new conditions echo that they are working to find better ways to deliver new development within unincorporated Washoe County, working with agency partners to do so, respectful of what they are hearing from the community and the Commission. He thinks everyone will benefit from this process. Mr. Smith hopes that when they are talking about the projects that the Commission will rely on him and ask questions on any issues that come up at the next meeting and future meetings. They are trying to think about these projects and also the next projects. He would be happy to answer any questions.

Commissioner Chesney said it has become apparent with the two developments that were continued and also Harris Ranch, that there is a corridor that has a traffic problem. He thinks it would benefit everyone if the three developers got together with the (agency partners) and worked out a solution to make this happen sooner rather than later. Being proactive rather than reactive toward the traffic conditions in that corridor, from Pebble Creek to Calle de la Plata, and even farther into town where it opens into four lanes.

DDA Edwards interjected for the record that this is a generalized presentation about the inter-relationship between NDOT, RTC, and the County as far as roadway concerns. He advises the discussion stay off of specific recommendations as to two particular projects that will be on next month's agenda for the actual hearing. This would be for questions of Mr. Smith about the general inter-relationship and how those things work. As far as details and statements about two particular projects, he advises not to do that.

Commissioner Chesney asked when should they have that discussion? DDA Edwards answered, on the two projects, at the hearing next month.

Commissioner Chvilicek thanked Mr. Smith. She applauds Mr. Smith on making this effort to formulate some congruency. She said that more often than not, the three entities are incongruent in how things get addressed and conditioned. It almost sounds like each agency is passing the buck onto the next agency. How is Mr. Smith planning to move forward as they move through this more collaborative process to facilitate some assurances that the agencies, even though they have differing regulations and requirements are collaborating on specific issues. How can the community see that the entities are working more closely together?

Mr. Smith replied that they have a tough task ahead of them. They already have pieces in place – Regional Planning and the guidance documents that help them through these processes. The Commissioner is right in how do they address these issues from the beginning? Through planning, collaboration, communication. Mr. Smith has been meeting with his counterparts at RTC and the Director at NDOT last week. They are recognizing that there is a better way to do things. He thinks they do things pretty good now but there is a better way. His approach is to focus on these initial projects, using them as the basis to develop stronger processes between the agencies. Not just in Spanish Springs but wherever the other areas are, they can take what they are doing now and build a foundation so they can carry that into future projects. He asked the Commission to keep tasking him and he will keep doing it.

Commissioner Donshick asked, because traffic is a major issue all through the County, RTC has been working on updates. Several different task forces are out there. The latest plan she has is the 2035 plan. She has heard talk about the 2040 plan. She asked if Mr. Smith has seen a 2040 plan? Mr. Smith replied that always with the updated plans, the goal is to respond to what the needs are planned for so they can start the budget. He has seen and talked about some pieces but that is a process that is still ongoing. They are still operating under the current 2035 plan.

Commissioner Horan said he is thrilled that they have gotten some response to the push back that the Commission has been giving to some of these developments. There's some effort being made to try and work together to do something a little bit different. He understands that it won't happen overnight.

9. C. Amendment of Conditions Case Number AC16-003 (Spanish Springs Aggregate Pit) – Hearing, discussion, and possible action to approve an amendment to condition number 15 of Major Project Review Case Number MPR7-6-88 to clarify that asphalt batch plant operations and on-site ready-mix concrete plants are allowed to operate 24-hours per day and that all other equipment and machinery may be operated from 6 am to midnight only.

and

5-year Review for MPR7-6-88 Martin Materials, Inc. – Washoe County Code, Section 110.332.40, requires the Planning Commission to review aggregate facilities without a stated interval of review in their conditions of approval, at least every five years. The Code further requires that a date be established for the next scheduled review of conditions at the review hearing. The purpose of this review is to examine, discuss and deliberate whether the conditions of approval ensure that they adequately provide for compatibility between aggregate operations and surrounding land uses.

- Applicant: Martin Marietta Materials, 7381 W. 133rd Street, Suite 401, Overland Park, KS 66213
- Property Owner: Martin Marietta Materials, 10170 Church Ranch Way, Suite 201, Westminster, CO 80021

- Location: 1500 Sha Neva Road, at the western terminus of the road.
- Assessor's Parcel Numbers: 089-160-51, 089-170-02 and 089-160-55
- Parcel Size: ± 658
- Master Plan Category: Rural
- Regulatory Zone: General Rural
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 332, Aggregate Facilities and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 15, T21N, R20E, MDM, Washoe County, NV
- Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3622
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Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications by Commissioners. Commissioner Chesney received an invitation to tour the site, he did not respond. Commissioner Chvilicek also received an invitation but was out of town and unable to respond.

Chair Barnes opened the public hearing.

Roger Pelham presented his staff report, dated September 15, 2016. Additionally, Mr. Pelham stated that staff has not received any validated complaints for this site. Aggregate pits are required to be reviewed every five years. The applicant has submitted the annual reports as required by code.

Chair Barnes called for an applicant presentation. Angela Fuss, with CFA, representing the applicant Martin Marietta, said this plant operation has been in operation for over 30 years. An aggregate pit provides the base for construction and road projects. A big issue with construction and road development is that they are better done at night. When the big projects, such as NDOT, need the base, they need to be able to get it at night. If they can't get it at this location, they have to get it from other locations. There are other aggregate locations in East Truckee Canyon and another one in the industrial Sparks location. Geographically, this provides another option for some of the big road projects. The property is surrounded by BLM land as well as industrial and business park space. Back in 1998, there was a major project review and that type of application is no longer around, now it is a Special Use Permit. In 1998, the applicant requested a 24-hour use for the batch plant. At that time, they did not have a redi-mix plant. The 24-hour use for the batch plant was approved. They are asking to allow the batch plant to continue operating as needed on the 24-hour basis, as well as the redi-mix component. The previous condition approved in 1998 did not move forward with the condition but the minutes show that it was approved. This is a clean-up of the conditions and to make sure the redi-mix is part of the amendment. Ms. Fuss said the plant manager is also available for questions.

Chair Barnes opened public comment.

Richard Kirkland filled out a card but he was no longer in attendance.

Dan Herman said he is severely impacted by this. Trucks don't engine brake leaving the property. Whatever is written there is wrong. Trucks engine brake while slowing down to turn left onto Sha Neva Road. Mr. Herman's house is right where the trucks are slowing down. When they accelerate out of there, they are in front of his house. He gets the de-acceleration and engine brake going in. There was a sign in front of his house until someone ran it down a couple of days before that said "No Engine Brake". Not that it's the plant's problem. It is a problem for the residents. Not just him. At the CAB meeting there were a lot of people who complained about the noise. Not plant noise. This is traffic noise. Their request for 24-hour operation for the concrete is not justified, in his opinion. He is directly impacted. Roger Pelham said no complaints. Mr. Herman said he could write a complaint every day but it is not going to do any good. He could write complaints against the plant. Generally they are a good neighbor. His problem is the 24-hour operation letting trucks go up and down the road. More traffic, less sleep for him. He asked at the CAB meeting why this isn't in the special use process. He did not get a good answer. This is a major change in project and it should go through the special use process and have more citizen input. There are negative impacts.

Terry Plys, spoke on behalf of Eagle Canyon Estates homeowners that border the area. So far the plant has been a really good neighbor. As the gentleman before stated, 24-hour a day equipment and trucks is ridiculous. They are already plagued with 24-hour a day truck engines, back-up alarms, off road vehicle races, concrete pumping at 3am in the business park. They don't need any more noise. They need noise reduction. The only thing residents should hear in the evening after 6-7 p.m. is the wind blowing and the coyotes howling.

Chair Barnes asked for Commission questions. Commissioner Chvilicek asked for clarification that the project is already approved for 24-hour operation? Mr. Pelham replied that the project is approved for 24-hour operation of the asphalt batch plant but not for the concrete redi-mix plant. They are two separate bits of machinery. Commissioner Chvilicek asked if the the trucks were limited to 6:00 am to 12 midnight? Mr. Pelham noted that some operations are around the clock and some have limited times.

Commissioner Prough asked the applicant currently how many trucks are going in on average into the asphalt side and how many do they suspect would be increased with the concrete side going 24 hours? Abram Woodward, the plant manager with Martin Marietta at the Spanish Springs Quarry, responded that the asphalt plant is on a contract basis. It is not a daily thing, it is on a job by job basis. If there is a big job bid, then those trucks will be working. During the winter or when it's raining there are no trucks. They are trying to make the concrete plant be competitive in this market. If this concrete plant in Spanish Springs is not running in the middle of the night with only 2-3 trucks hauling concrete to the growing business park (our neighbor), then that material will have to come out of downtown and all those trucks – 10, 12, 13 trucks to meet the demand will be required to come out Pyramid and increase the traffic impact on the neighborhood. They are trying to have a competitive plant here and reduce the traffic impacts by having fewer trucks that have to haul a shorter distance. Mr. Woodward said he can't give a specific number as they have people call up all the time asking for rock today or tomorrow. Commissioner Prough asked for clarification that if it goes 24-hour, then only a few trucks will be leaving the plant delivering materials. If they don't allow it, 10 or 12 trucks will come from downtown to deliver material. Mr. Woodward said that is correct. It is not cost effective to ship material a long ways away. This is a competitive process. If you look at the development in the Spanish Springs corridor, that material is going to come from somewhere, either their plant or another plant. It comes down to safety of workers – allowing concrete work at night means less traffic on the road, trucks have less impact on traffic, it is safer for the workers to have less traffic on the road when they are trying to pour concrete.

Commissioner Prough asked if this pit provided materials for the HAWCO projects out there in the past? Mr. Woodward answered yes. Commissioner Prough asked if this pit has been approached by Sugarloaf or Blackstone Estates about providing materials for them? Mr. Woodward answered no, those jobs have not come out to bid and have not been approved. Commissioner Prough said he was trying to anticipate with a 24-hour operation and all of a sudden there were 1,000 units going out there, what kind of noise effect would that have on the surrounding community. Mr. Woodward said the developers have conditions placed upon them concerning their hours of construction. That would also mean that the developers can only pour concrete during those same hours. Commissioner Prough asked with a 24-hour operation, where would they send the concrete? Mr. Woodward answered that they have to have a contract that dictates shipping between 12:00 p.m. and 6:00 a.m., which would be the hours they currently cannot ship. If NDOT has a project awarded to widen Pyramid Highway and they need to pour curb and gutter between 12:00 p.m. and 6:00 a.m., they would have to ship it from their other plant because this plant is not allowed to ship between those hours.

Commissioner Donshick asked what decibel levels are allowed and not allowed in residential zones at certain times? Mr. Pelham replied that Article 414 of the County Code is "Noise and Lighting". The way the code works, it is a 24-hour average. For example, one really loud noise for one hour, is averaged with more or less silence for the other 23 hours in the day. That is how staff looks at that. He said he is safe in speculating that operation of this facility is well within this regulation. Commissioner Donshick said she is speaking about the actual truck volume going through the neighborhood, not the plant itself. Mr. Webb said they do not regulate that type of noise. The land use code regulates development. Article 414 talks about industrial development. In an area being developed industrially, which is what this would be, the noise threshold is 75 Ldn at the property line. The code is talking about development, not specific noise generators. Specific noise generators like a truck or activities occurring within, then you use dB's (decibels) as a threshold. They would set decibel maxes or minimums. This code does not do that. If this happened to be adjacent to residential areas, then the threshold would be 65 Ldn at the property lines of the residence. Again, they don't regulate noise generators like trucks or specific activity within the plant. They would have to take a 24-hour measure at the property line. This is a big property and the measurement would be over 24 hours and a weighted average.

Commissioner Chvilicek asked for clarification that engine brakes are not allowed? Mr. Pelham replied that there are signs on the highway and this is not something that is enforced by Washoe County. Commissioner Chvilicek asked how can it be enforced? Mr. Pelham said that would be up to law enforcement, probably Highway Patrol, since that is a State highway. Commissioner Chvilicek asked if the operator of the plant can notify their haulers that they cannot use engine brakes, with a consequence if they do use them? Mr. Pelham said it is his understanding that they have made that clear and directed the question to the applicant. Ms. Fuss said the plant is a good neighbor and has tried to address traffic concerns. They had an incident a month or six weeks ago where a truck came in. He was all over the place. Someone had followed him from Pyramid Highway and complained to the plant operator. The plant operator followed him on Pyramid highway and called 911. Highway patrol came and arrested the truck driver. That is a good example of how they are trying to be proactive. They are not law enforcement but they can be proactive and work with law enforcement. They have that open dialog and have used it to alleviate some concerns with the traffic. Commissioner Chvilicek asked specifically about engine brakes, if they use them then they cannot come on the property. Mr. Woodward said they went over this issue at the CAB meeting and they have signs ordered to put on Sha Neva Road for people stopping and pulling up to Pyramid Highway that say "No Engine Brakes". There are signs on Pyramid and it is up to NHP to police them. They have site training (MSHA training) which includes training on not using engine brakes while on

the property. They have signs by their scale house, several signs on the property where they have hills. They have been working with customers and partners about talking with the truck drivers.

Commissioner Prough said the signs are well and good. Mr. Herman has indicated that it is noisy. What disciplinary actions are in place for violation of this signs, requests, etc? Mr. Woodward said that he does not staff someone to sit at the intersection. When it is reported to them that someone is violating policy and using their engine brakes they will discuss it with the driver. If there is a second time, they will call the trucking company and ban that driver from the site. They do that for engine brake noise and for safety violations. They will not allow this for the safety of the employees and the community.

Commissioner Prough asked Mr. Herman, who seems to be at the apex of this issue, in the last six months, could he estimate how many times the engine brake noise has not been appropriate? Mr. Herman said there are hundreds of trucks a day going in and out of the plant. With the summer building boom and the turn-around in the economy, it has increased. The noise level is way up. He would say maybe one out of ten trucks are using engine brakes to slow down at that turn. There's a 55 mph speed limit in front of his house. They have to slow to 15-20 mph to make that turn up Sha Neva Road. At the CAB board meeting, they were talking about 20 trucks on the cement side of the plant. Commissioner Prough confirmed that approximately 10% of the trucks are violating the engine brake policy? Mr. Herman replied, yes at least10 %. He would like things quiet at night. All the noise coming into his house is significant.

With no further questions, Chair Barnes closed the public hearing.

Commissioner Prough stated that he sees the need for the trucks providing material for future expansion of Pyramid Highway at Calle de la Plata, from what they are reading in the proposals and widening of lanes, etc. It will necessitate more trucks moving material. He is concerned about all of the neighbors out there with the plant operating 24 hours. One the one side, he is concerned about the citizens with their rights of a peaceful life and the things they want as homeowners and on the other side, there is a need because the community is growing and they have to provide for this. He would like to get the truck operators to comply all the time, but that is impossible. He is in a quandary and asked the other Commissioners what their thoughts are.

Commissioner Chesney said he does not think it's fair to tag the applicant with enforcement of State and local laws. In his opinion they are doing the best they can to enforce on their site, where they have control. It is unreasonable to even expect them to have the ability to enforce this issue outside of their property. In Mr. Herman's case, he thinks it's the luck of the draw. There's a traffic issue in the entire corridor. If you talk about pouring concrete for 100,000 yards for freeway expansion then you will have a pour going on 24/7 for a week or a week and a half and then the project is done. The plant manager has said they are not the only game in town. There are plants that are more convenient for different projects but this pit is the epicenter for raw materials for all of the concrete pits in the area. He said it's one of those things "darned if you do, darned if you don't". He does not believe, in his opinion, it is cause for denial of the applicant.

There was no additional discussion. Chair Barnes called for a motion.

Commissioner Chesney moved that this Commission has reviewed the aggregate facility and finds that the conditions of approval ensure that adequate compatibility is provided between aggregate operations and surrounding land uses and further establish the next scheduled review of this facility shall take place on or before September of 2021. He further moved that:

After giving reasoned consideration to the information contained within the staff report and the information received during the public hearing, the Washoe County Planning Commission approve Amendment of Conditions Case Number AC16-003 for Martin Marietta Materials, with the amended conditions of approval included as Exhibit A for this matter, having made all five of the following findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed amendment is consistent with the action programs, policies, standards and maps of the Master Plan and the Name of Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for type of development, the existing facility and the 24-hour operation of redi-mix and asphalt batch plants, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the amendment will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the amendment will not have a detrimental effect on the location, purpose or mission of a military installation.

Commissioner Horan made a second to the motion.

Commissioner Chvilicek noted that with staff's recommendation of amended condition number 15, staff is recommending an ability to mitigate if there are negative impacts on any future traffic.

The motion was approved unanimously (6 in favor, none against).

10. Chair and Commission Items

***A.** Future agenda items - None

***B.** Requests for information from staff

Commissioner Chesney asked if there was any progress in getting a representative from TMWA to talk to the Commission? Mr. Webb replied that Jim Smitherman, our representative on the Western Regional Water Planning Commission has been asked to give the Planning Commission an overview about their Master Plan, which has just been updated. Mr. Webb requested a TMWA representative be present also, in addition to our local groundwater expert Mr. Behmaram. The presentation is scheduled for the November 1st Planning Commission meeting.

Commissioner Prough asked if the Commission could get their agenda packets earlier – 7 or 8 days prior to the meeting, if possible. Mr. Webb replied that staff works to gather information, complete the staff reports and then complete the agenda packets. Administrative staff works diligently to provide the packets to the Commissioners as soon as they can. Given the size of the next agenda we will try to do everything we can to get the packets to the Commission as soon as possible, even if we have to break them into segments, getting the staff reports out as they are completed rather than waiting for all to be completed.

11. Director's and Legal Counsel's Items

A. Discussion and possible action to schedule a special meeting of the Planning Commission on Wednesday, November 16, 2016 starting at 6:30 p.m. in the Health District Conference Rooms A and B, Building B, Washoe County Administration Complex at 1001 East Ninth Street in Reno. Staff proposes this special meeting to move one or more of the applications currently scheduled for the regular meeting agenda of November 1, 2016 to the special meeting to reduce the length of the regular meeting.

The Commission voted to hold a special Planning Commission meeting on Wednesday November 16, 2016, starting at 5:30 p.m.

***B.** Report on previous Planning Commission items

Mr. Webb reported on:

- The Harris Ranch Tentative Subdivision Map TM16-007 has been appealed and will be heard by the Board of County Commissioners on October 25th.
- The Mil Drae abandonment AB16-001 has been appealed and will be heard by the Board of County Commissioners on October 25th.
- The two Development Code Amendments, one for Cargo Containers and one for Hoop Houses will have their first reading at the October 11 Board of County Commission meeting. The second reading and possible adoption for both will be on November 15th.

Mr. Webb reminded the Commission that the November meetings and the December PC meeting will be held in the Health District conference rooms A and B as the Commission Chambers are being remodeled.

***C.** Legal information and updates - None

12. *General Public Comment

Cathy Brandhorst had submitted a comment card but was no longer in attendance.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Kathy Emerson, Recording Secretary

Approved by Commission in session on November 1, 2016.

Carl R. Webb, Jr., AICP
Secretary to the Planning Commission